

1 Amy M. Samberg (NV Bar No. 10212)
 2 amy.samberg@clydeco.us
 3 Dylan P. Todd (NV Bar No. 10456)
 4 dylan.todd@cyldeco.us
 5 CLYDE & CO US LLP
 6 7251 West Lake Mead Boulevard, Suite 430
 7 Las Vegas, NV 89128
 Telephone: 725-248-2900
 Facsimile: 725-248-2907
 8 *Attorneys for Plaintiff Arch Insurance
 9 Company*

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 ARCH INSURANCE COMPANY, a foreign
 11 corporation,

12 Plaintiff,

13 v.

14 DANIEL HARDY, an individual; SCOTT
 15 THAYER and CINDY THAYER, natural parents
 and wrongful death heirs of the deceased, COLE
 THAYER,

16 Defendants.

17 CASE NO. 2:23-cv-00370-CDS-EJY

18 **MOTION FOR INTERPLEADER
 19 DEPOSIT (28 U.S.C. § 1335)**

20 Pursuant to 28 U.S.C. §1335, Fed. R. Civ. P. 67, and Local rule 67-1, Interpleader Plaintiff
 21 Arch Insurance Company (“Plaintiff”) hereby moves this court for leave to Deposit the Interplead
 22 Funds in the amount of \$1,000,000, representing the full available underinsured motorist limit of
 23 Arc insurance policy number 81CAB5032501. This Motion is based on the pleadings and papers
 24 on file and the attached memorandum points and authorities.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 Local Rule 67-1 provides, in pertinent part:

27 **LR 67-1. DEPOSIT AND INVESTMENT OF FUNDS IN THE
 28 REGISTRY ACCOUNT; CERTIFICATE OF CASH
 DEPOSIT**

29 (a) Cash tendered to the clerk for deposit into the court’s Registry Account
 30 must be accompanied by a written statement titled “Certificate of Cash

Deposit," which must be signed by the attorney or pro se party. The certificate must contain the following information:

• • •

(3) The nature of the tender (e.g., interpleader funds deposit ...);

(4) The **court order permitting the deposit;**

• • •

(b) The depositing party **must attach a copy of the order permitting the deposit.**

(c) The clerk may refuse cash tendered without the Certificate of Cash Deposit required by this rule.

LR 67-1 (emphasis added).

Here, this action is under way with all defendants having appeared. Before Plaintiff can be dismissed from this action, it must deposit the funds with the Court. However, Plaintiff requires the Court's Order to Deposit before a deposit can be made.

As provided in the Complaint, the amount of funds to be deposited is \$1,000,000. (ECF No. 1, at ¶9). Upon receipt of the Order to Deposit, the funds will be presented to the Court in the form of a check made payable to Clerk, United States District Court. Once presented, the funds shall be deposited into the Court's Interest Bearing-Registry Account and invested in the Court Registry Investment System ("CRIS").

Plaintiff is a disinterested stakeholder and does not claim entitlement to any of the funds. The ownership of the funds is disputed between the adverse claimants. As such good cause exists to order the deposit of the funds into the Court registry.

111

111

111

111

111

111

111

1 Accordingly, Plaintiff respectfully requests that this Court grant its Motion to Deposit the
2 Interplead Funds plus any applicable interest, pursuant to 28 U.S.C. § 1335, Fed. R. Civ. P. 67 and
3 Local Rule 67-1.

4 Dated: May 26, 2023

5 CLYDE & CO US LLP

6 By: /s/ Dylan Todd
7 Amy M. Samberg (NV Bar No. 10212)
8 amy.samberg@clydeco.us
9 Dylan P. Todd (NV Bar No. 10456)
10 dylan.todd@cyldeco.us
11 7251 W. Lake Mead Blvd., Suite 430
12 Las Vegas NV 89128
13 Telephone: 725-248-2900
14 Facsimile: 725-248-2907

15 *Attorneys for Plaintiff*
16 *Arch Insurance Company*

17 IT IS SO ORDERED:

18 
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: June 1, 2023